

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00657-KMT

UNITED STATES OF AMERICA,

Plaintiff,

v.

2007 GMC Sierra 2500, VIN 1GTHK23657F529525,

Defendant.

DEFAULT AND FINAL ORDER OF FORFEITURE

This Matter comes before the Court on the Motion for Default (Doc. No. 25) and Final Order of Forfeiture filed by plaintiff United States of America.

In order to obtain a judgment by default, a party must follow the two-step process described in Federal Rule of Civil Procedure 55. First, an entry of default must be sought from the Clerk of the Court under Rule 55(a). Second, after default has been entered by the Clerk, the party must seek default judgment according to the strictures of Rule 55(b).

In this case, the Clerk of the Court entered default against defendant on July 11, 2014 (Docket No. 13). Plaintiff now seeks entry of judgment by default pursuant to Rule 55(b).

Upon the entry of default against defendant, the well-pleaded allegations in the complaint are deemed admitted. *See* 10A Charles Wright, Arthur Miller & Mary Kane, Fed. Prac. & Proc. § 2688 (3d ed. 2010). “Even after default, however, it remains for the court to consider

whether the unchallenged facts constitute a legitimate cause of action, since a party in default does not admit mere conclusions of law.” *Id.*

1. On March 5, 2014, the United States mailed notice of this forfeiture action to the known potential claimants. (Doc. 7).

2. In addition, notice of this forfeiture action was posted on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on March 5, 2014, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. (Doc. 19).

3. After providing proper notice, no claim, answer, or other responsive pleading has been filed as to defendant 2007 GMC Sierra 2500, VIN 1GTHK23657F529525.

Accordingly, it is

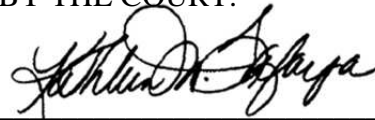
ORDERED that the Motion for Entry of Default Judgment and Request for Final Order of Forfeiture (Doc. No. 25) is GRANTED. It is further

ORDERED that default judgment and forfeiture of the defendant 2007 GMC Sierra 2500, VIN 1GTHK23657F529525, including all right, title, and interest, is entered in favor of plaintiff United States of America. It is further

ORDERED that a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465 shall enter, and the Clerk of Court shall enter Judgment as to defendant 2007 GMC Sierra 2500, VIN 1GTHK23657F529525 for the reasons set forth above.

SO ORDERED this 18th day of August, 2014.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kathleen M. Tafoya", written over a horizontal line.

KATHLEEN M. TAFOYA
United States Magistrate Judge